

IC 33-35

ARTICLE 35. CITY AND TOWN COURTS

IC 33-35-1

Chapter 1. Establishment; Election of Judges

IC 33-35-1-1

Authority to establish or abolish; election of judge; notice

Sec. 1. (a) During 2006 and every fourth year after that, a second or third class city or a town may by ordinance establish or abolish a city or town court. An ordinance to establish a city or town court must be adopted not less than one (1) year before the judge's term would begin under section 3 of this chapter.

(b) The judge for a court established under subsection (a) shall be elected under IC 3-10-6 or IC 3-10-7 at the municipal election in November 2007 and every four (4) years thereafter.

(c) A court established under subsection (a) comes into existence on January 1 of the year following the year in which a judge is elected to serve in that court.

(d) A city or town court in existence on January 1, 1986, may continue in operation until it is abolished by ordinance.

(e) A city or town that establishes or abolishes a court under this section shall give notice of its action to the division of state court administration of the office of judicial administration under IC 33-24-6.

As added by P.L.98-2004, SEC.14. Amended by P.L.164-2006, SEC.141.

IC 33-35-1-2

Town court judge election in general election year; ordinance

Sec. 2. (a) This section applies to a town that:

- (1) adopts an ordinance under IC 3-10-6-2.6; and
- (2) subsequently adopts an ordinance to establish a town court under section 1 of this chapter.

(b) Notwithstanding section 1 of this chapter, the judge of the town court shall be elected at the next municipal election not conducted in a general election year. The successors of the judge shall be elected at the first general election following the municipal election and every four (4) years thereafter.

As added by P.L.98-2004, SEC.14.

IC 33-35-1-3

City or town court judge; term; bond

Sec. 3. (a) The judge of a city or town court shall be elected under IC 3-10-6 or IC 3-10-7 by the voters of the city or town.

(b) Except as provided in subsections (c) and (d), the term of office of a judge elected under this section is four (4) years, beginning at noon January 1 after election and continuing until a successor is elected and qualified.

(c) This subsection applies to a town that adopts an ordinance

under IC 3-10-6-2.6. The term of office of:

- (1) a judge elected at the next municipal election not conducted in a general election year is one (1) year; and
- (2) the successors to the judge described in subdivision (1) is four (4) years;

beginning at noon January 1 after election and continuing until a successor is elected and qualified.

(d) This subsection applies to a town that adopts an ordinance under IC 3-10-7-2.7. The term of office of:

- (1) a judge elected at the next municipal election not conducted in a general election year is three (3) years; and
- (2) the successors to the judge described in subdivision (1) is four (4) years;

beginning noon January 1 after election and continuing until a successor is elected and qualified.

(e) Before beginning the duties of office, the judge shall, in the manner prescribed by IC 5-4-1, execute a bond conditioned upon the faithful discharge of the duties of office.

As added by P.L.98-2004, SEC.14.

IC 33-35-1-4

City court judge; eligibility

Sec. 4. To be eligible to hold the office of city court judge, as provided by Article 6, Section 6, of the Constitution of the State of Indiana, the judge must be a resident of the city during the term of office or the office becomes vacant.

As added by P.L.98-2004, SEC.14.

IC 33-35-1-5

Town court judge; oath; bond

Sec. 5. Before beginning the duties of office, the judge of a town court must:

- (1) take and subscribe to the same oath of office as judges of circuit courts; and
- (2) execute a bond payable to the town in the penal sum of five thousand dollars (\$5,000), conditioned upon the faithful performance of the duties of the judge's office with good and sufficient surety.

The bond must be approved by the legislative body of the town and filed in the office of the town clerk-treasurer.

As added by P.L.98-2004, SEC.14.

IC 33-35-1-6

Interlocal agreements; ordinance violations

Sec. 6. A city or town that has not established a court under this chapter may enter into an interlocal agreement under IC 36-1-7 with a city or town that:

- (1) has established a court under this chapter; and
- (2) is located in the same judicial circuit as the city or town that has not established a court;

to hear and dispose of ordinance violations that would otherwise come under the jurisdiction of a court established by the city or town under this chapter.

As added by P.L.55-2010, SEC.1.